IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

Bail Appl..No. 994 of 2007()

CRIME NO.217/06 OF MANNUTHY POLICE STATION

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: PETITIONER/1ST ACCUSED

SURESH, S/O.VELAPPAN, AGED 46,
KALATHIPARAMBIL HOUSE, COCHIN UNIVERSITY
CENTRE P.O., ERNAKULAM DISTRICT.

BY ADV. SRI.R.MURALEEKRISHNAN
SRI.P.M.MUJEEB REHIMAN

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 994 OF 2007

Dated this the 21st day of February, 2007

O R D E R

Petitioner, who is the first accused in Crime No.217/2006 of Mannuthy Police Station for an offence punishable under section 8(1) and (2) of the Abkari Act for allegedly procuring 700 liters of rectified spirit through accused Nos.2 and 3 on 26.6.2006 in a Tata Indica car, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. It is too early to accept the petitioner's contention that there is nothing to connect the petitioner with the seizure of 700 liters of rectified spirit from the car from which accused Nos.2 and 3 were arrested. According to the prosecution, the unauthorised transport of the large quantity of spirit was at the instructions given by the petitioner.

4. Having regard to the facts and circumstances of the case, it is too early to conclude that the petitioner is not guilty of the offence and that he will not commit any offence while on bail within the meaning of Sec. 41 A of the Abkari Act.

This application is accordingly dismissed.

(V. RAMKUMAR, JUDGE)

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